

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7014

BILL NUMBER: SB 352

NOTE PREPARED: Jan 25, 2008

BILL AMENDED: Jan 24, 2008

SUBJECT: Various Financial Institutions Matters.

FIRST AUTHOR: Sen. Paul

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: X GENERAL
X DEDICATED
X FEDERAL

IMPACT: State

Summary of Legislation: The bill makes various changes to the laws concerning: (1) financial institutions; and (2) persons licensed under the Uniform Consumer Credit Code. The bill repeals certain provisions concerning the regulation of money transmitters.

Effective Date: July 1, 2008.

Explanation of State Expenditures: *Summary-* Several provisions within the bill would result in an increase in the administrative workload of the Department of Financial Institutions (DFI). The DFI would be able to carry out these provisions within their existing level of resources.

Criminal Background Checks- Additional national criminal background checks could require an increase in administrative time for the Indiana State Police Department (SPD) to complete. The impact to SPD time and expenditures would depend on the number of additional background checks ordered by the Director of the DFI.

(Revised) Limited Liability Corporations- The bill would give the DFI exclusive authority to regulate a financial institution organized as a limited liability company. An LLC financial institution would be subject to the same provisions in current law that apply to banks, except for the corporate governance provisions.

Background- As of July 2, 2007, the DFI had four vacancies worth \$205,000 in salary. The DFI reverted \$133,127 from their operating account at the end of FY 2007. The DFI's dedicated fund appropriation for FY 2008 is \$8.5 M.

Explanation of State Revenues: *Criminal Background Checks*- Persons required by the Director of DFI to submit fingerprints for a national criminal background check would be required to pay all the costs involved for the check.

Civil Penalties- The bill removes a civil penalty remedy on licensed and unlicensed individuals involved with small loans. The maximum penalty that is currently allowed is \$2,000. It is unknown how many civil penalties under this statute (IC 24-4.5-7-409) have been assessed by the DFI. The bill would allow the DFI the option to assess a civil penalty of not more than \$10,000 on pawnbrokers that violate pawnbroker statute.

Delinquent Fees- The bill would give the DFI greater flexibility to impose fees on delinquent payment of fees from financial institutions for license renewal. The DFI would also be able to align delinquent report fees from pawnbrokers with other fees which are set by the DFI annually as allowed under current law.

Payment of Fees and Penalties by Credit Card- The bill would allow the DFI to collect payment of fees and penalties by credit card. This provision could speed up the collection of payments from regulated entities. The DFI would be allowed to pass on any transactions costs to paying entities. The fees associated with credit card transactions would not be allowed to exceed the highest transaction charge or discount fee charged to the DFI by the vendor.

(Revised) *Limited Liability Corporations*- LLC banks placed under DFI regulation would be subject to the payment of all expenses and fees required by the DFI to fulfill their statutory requirements to regulate banks. Fees would include application processing and examinations of as applicable to banks.

Background on Criminal Background Checks- A national criminal history background check costs a total of \$39, \$24 of which is given to the federal government. The remaining \$15 is deposited into the state General Fund. Last year, the SPD processed approximately 615,000 limited criminal background checks.

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: DFI; SPD.

Local Agencies Affected: School corporations.

Information Sources: State of Indiana, *List of Appropriations July 1, 2007, - June 30, 2009*; Indiana State Budget Agency Closeout documents; Captain Sherry Beck, SPD.

Fiscal Analyst: Chris Baker, 317-232-9851.